

Office of the Chapter 13 Standing Trustee

Isabel C. Balboa, Chapter 13 Standing Trustee[†]

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May 19, 2021

The Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court
P.O. Box 2067
Camden, New Jersey 08102

RE: Chapter 13 Case No. 19-22988 (JNP)
Debtor(s) Name: Gloria A. Burgess-Wilson

Dear Judge Poslusny:

Please accept this letter in lieu of a more formal response to Debtor's Motion to Sell Real Estate which is returnable June 1, 2021 at 11 a.m.

Debtor comes before the Court twenty-two (22) months after her Chapter 13 bankruptcy proceeding was filed on a Motion to Sell Real Estate. Debtor requests permission to sell her property located at 1574 Roosevelt Boulevard, Sharron Hill, Pennsylvania to Robert Burgess, for \$125,000.00.

Debtor listed the value of the subject property on Schedule A in her petition in the amount of \$60,000.00 and noted that her interest in that property was as a joint owner with Delores Thorton, who the Debtor states in her certification in support of the subject motion has passed away. It appears that the property is being sold to a member of Debtor's family, Robert Burgess. This is not an "arms-length" transaction. The Trustee cannot ascertain if better and higher offers could have been obtained. Furthermore, the proposed order notes that Debtor expects to realize \$0.00 in sale proceeds, but Exhibits A and B note that the property is being sold for \$125,000.00 and Housing and Urban Development (hereafter "HUD") is willing to accept \$105,996.30 as payment in full for the mortgage. This would result in net proceeds of approximately \$19,003.70 which are not currently treated in the proposed order.

Pursuant to Fed. R. Bankr. P. 9019(a), Debtor must file a Notice of Proposed Compromise or Settlement of Controversy with the Bankruptcy Court. Debtor has failed to comply with R. 9019(a).

Debtor's Certificate of Service only lists Debtor and Trustee and did not include Housing and Urban Development (HUD). The Debtor's Certificate of Service also omits in Part 2 what specifically as mailed. The service rules, Fed. R. Bank. P. 7004(b)(4), require service on the United States by mailing a copy to the U.S. Attorney for the District of New Jersey and Attorney General of the United States.

Based on the foregoing, the Trustee respectfully requests Debtor be required to file a

Honorable Jerrold N. Poslusny, Jr.

Re: Case No. 19-22988 (JNP)

May 18, 2021

Notice of Proposed Compromise or Settlement of Controversy, an amended Certificate of Service reflecting what was sent, and serve a copy of the motion upon HUD. The Trustee further requests an amended Order be submitted to the Judge's Chambers under the Seven Day Rule to include an expressed provision regarding the sale proceeds and the following language:

1. Debtor shall file Amended Schedule I/J within 14 days of the Order removing rental income and mortgage payments relating to this property.
2. A copy of the HUD-1/ALTA Settlement form shall be submitted to the Trustee's office no later than ten (10) days following closing.

As always, the Court is welcome to contact the Trustee with any questions or concerns.

Respectfully submitted,

/s/ William H. Clunn, III
William H. Clunn, III
Staff Attorney for Isabel C. Balboa
Chapter 13 Standing Trustee

WHC/kt

c: Georgette Miller, Esquire (via ECF/CM)
Gloria A. Burgess-Wilson (via regular mail)